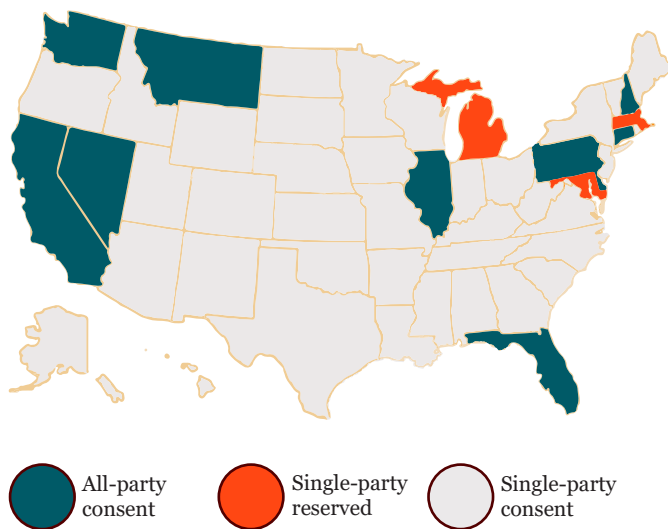


Primer on Call Recording Laws

What You Need to Know:

Call recording laws are some of the most misunderstood laws - and they vary from state to state in the USA, as well as from country to country around the world.¹ ExecVision helps companies gain value from recorded and transcribed calls in a compliant manner.

With so much information out there on the rules and compliance regulations around call recording, here are the things you should know.



State-by-State Laws

All US states fall into one of three categories:²

- All-party consent required: CA, CT, DE, FL, IL, MT, NH, NV, PA, WA;
- Single-party reserved: Single-party consent OK in the normal course of business; intended to protect against illegal wiretapping: MA, MD, MI;
- Single-party consent: all other states

Calls placed within **all-party consent states** or into all-party consent states require all participants to consent to the recording. Calls placed from all-party consent states into single-party consent states are subject to federal law (single-party consent).

Single-party reserved states—Maryland, Massachusetts, and Michigan—allow for single-party consent with the caveat that the call is related to the normal course of business. This restriction exists to protect individuals from illegally obtained wiretaps.

Single-party consent states require that only one person in the conversation knows the call is being recorded, even if that person is the one conducting the recording. Most companies have their employees sign a release that ensures they understand their calls are being recorded. (ExecVision can provide a sample SHRM-approved workplace telephone monitoring policy.³) Note that all participants on the call must be located in single-party consent states.

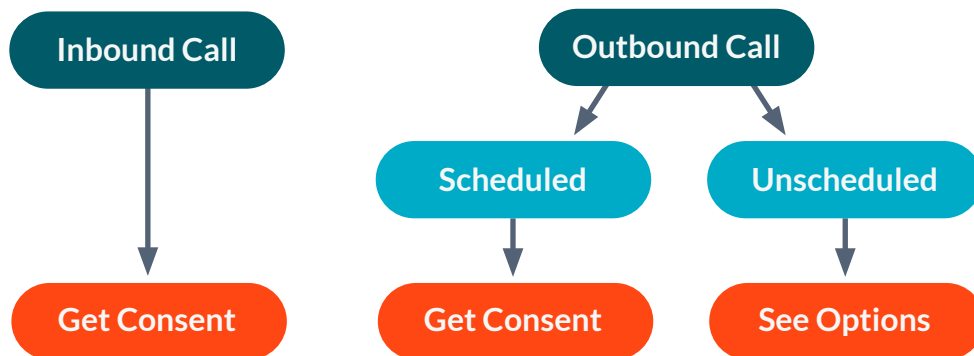
¹ https://en.wikipedia.org/wiki/Telephone_recording_laws#United_States

² <https://www.mwl-law.com/wp-content/uploads/2013/03/LAWS-ON-RECORDING-CONVERSIONS-CHART.pdf>

³ https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_000638.aspx

Dealing With All-Party Consent States

When dealing with all-party consent states, there are various solutions on how to ensure you are able to record. Making the decision on whether or not to record a phone call hinges around two primary factors: (1) whether the phone call is an **inbound (incoming) call** or an **outbound (outgoing) call**, and (2) whether the call was scheduled or unscheduled. The importance of these factors help in determining the best way to proceed.



Inbound Calls	Use a pre-recorded message in your phone system to notify participants at the beginning of the call prior to recording.
Outbound Scheduled Calls	Ask for consent at the beginning of the scheduled call prior to recording: "Do you mind if I record this call so I can focus on our conversation and check my notes later?" [Consent Given ... Turn recording on]..."OK, just to confirm, I've turned on recording."
Outbound Unscheduled Calls	<ul style="list-style-type: none"> • Use faint recurring tone per FCC regulations • Gain consent when opening by stating: "This is NAME, on a recorded line, do you have a moment?" • Record only one side of the phone conversation. Many telephone systems and dialers provide options for one-sided recording for all-party consent state area codes

Call recording is an exceptional business tool that provides insights to improve company performance. Always consult with your legal counsel to determine the best solution for your organization.

Have any questions about call recording laws? Visit our website to learn more »